

REMARKS

Claims 1-6, 9-11 and 32-36 are pending in the Application. Claims 7 and 8, which were previously withdrawn by the Examiner, are herein cancelled. Claims 1, 3, 6, 11, and 36 are herein amended. No new subject matter has been added. Claims 1 and 11 are independent.

On page 2 of the Office Action, Claim 36 is objected to because of informalities. Applicant(s) have herein made the appropriate correction by amending Claim 36.

On page 2 of the Office Action, Claims 1 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Fram, U.S. Patent No. 5,540,679. In order for a reference to anticipate a claim under 35 U.S.C. §102(b), the reference must disclose each and every element of the claim. Claim 1, as amended, recites in part, “***ablating*** a desired tissue region while ***maintaining the target pressure*** of the expandable membrane,” (emphasis added). Although Fram ‘679 does disclose that “inflator 72 is used to inject fluid...until a desired pressure is obtained, as indicated by pressure gauge 74,” (Col. 6, ln. 1-3), such disclosure does not provide for “maintaining the target pressure” during ablation, as claimed by Applicants. To the contrary, Fram specifically discloses that, “as the fluid 36 heats up, the boiling increases in intensity. The boiling ***causes the pressure inside balloon 8 to increase.***” (Col. 6, ln. 6-8)(emphasis added). This increased pressure, Fram discloses, is used to make a correlating temperature measurement, as explained in Col. 6, ln. 8-12. Since the boiling causes pressure to increase, as explicitly stated, Fram cannot possibly anticipate “maintaining the target pressure” as stated in Applicants’ amended Claim 1, and actually discloses the exact opposite.

On Page 3 of the Office Action, the Examiner states that Col. 1, ln. 45-46; Col. 5, ln. 64-67, and Col. 6, ln. 4-6 of Fram '679 discloses "maintaining the target pressure of the expandable membrane," as stated in Applicant's Claim 1. Contrary to the Examiner's assertion of what the Fram reference discloses, at Col.1, ln. 45-46, Fram discloses, "ablating electrically conductive pathways of a heart." At Col. 5, ln. 64-67, Fram discloses, "the balloon material is heat-set...so that the balloon material remains dimensionally stable when the fluid within the balloon boils." The heat-set characteristics of the balloon as disclosed refer to the capacity of the material to withstand heat and the effects the heat may have on material features such as rigidity, pliability, etc., and doesn't relate to "maintaining the target pressure or volume." Significantly, at Col. 6, ln. 4-6, Fram discloses, "When RF power supply 50 is activated, the high electric field density...can induce localized boiling of fluid 36," which, as discussed above, causes the pressure to increase. As shown, the cited portions of the Fram reference fail to disclose or even relate to "ablating a desired tissue region while maintaining the target pressure of the expandable membrane."

In addition to Fram failing to disclose the above-mentioned portions of amended Claim 1, Claim 1 further recites, "controllably deflating the expandable membrane," which the Examiner states is disclosed by Fram at Col. 5, ln. 11-17. Although Fram does disclose providing "a conduit for fluid as the balloon is inflated and deflated," Fram makes no mention of "**controllably** deflating the expandable membrane" as stated in Claim 1, and further fails to disclose any deflation procedure whatsoever.

Therefore, as Fram fails to disclose, teach, or suggest the above-mentioned elements of Applicants' amended Claim 1, the rejection is unsupported by the art, and withdrawal of the

rejection under 35 U.S.C. §102(b) is respectfully requested. Moreover, Claim 10 is dependent from Claim 1, and is, therefore, also believed to be in condition for allowance.

On page 4 of the Office Action, Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fram, ('679). Claim 2 is dependent from amended independent Claim 1, which, for the above-stated reasons, is believed to be allowable. As such, Claim 2 is also believed to be in condition for allowance.

On page 4 of the Office Action, Claims 3, 6, and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fram ('679) in view of Yamaguchi, U.S. Patent No. 5,433,740. Claims 3 and 6 are dependent from Claim 1, and are therefore believed to be in condition for allowance. Furthermore, Claim 11 recites, in part, "ablating the desired tissue region while maintaining the expandable membrane at the target pressure; and controllably deflating the expandable membrane." As stated above, Fram fails to disclose, teach, or suggest either "maintaining the expandable membrane at the target pressure" or "controllably deflating" the device. Moreover, Yamaguchi fails to make any such reference to either of those stated limitations of amended Claim 11. Therefore, as Fram, either alone or in combination with Yamaguchi, fails to disclose, teach, or suggest the elements of amended Claim 11, Fram cannot, either alone or in combination with Yamaguchi, anticipate or render obvious Applicants' Claim 11. As such, Claim 11 is believed to be in condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

On page 6 of the Office Action, Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fram ('679) in view of Yamaguchi ('740) and further in view of

Edwards, U.S. 6,258,087. Claims 4 and 5 depend from Claim 1, and are therefore believed to be in condition for allowance.

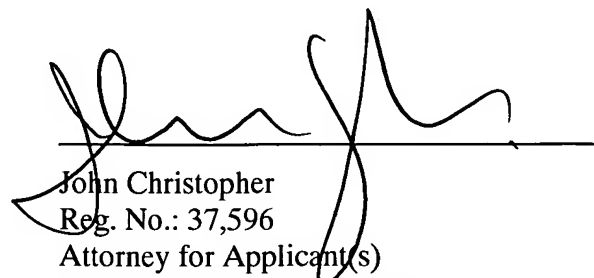
On page 7 of the Office Action, Claims 3, 9, and 32-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fram ('679) in view of Joye, U.S. 2002/0045894. Claims 3, 9, and 32-36 depend from amended independent Claim 1, and are therefore believed to be in condition for allowance.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-6, 9-11 and 32-36 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

Date: July 13, 2006



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